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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/389,557	09/03/99	SANO	S 721775952

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WM01/1023

EXAMINER

BRIER, J

ART UNIT

PAPER NUMBER

2672

9

DATE MAILED:

10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/389,557

Applicant(s)

SANO ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 9, 10 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 9, 10, and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicants amendment filed on 09/28/2001 has been entered. The title and claims have been amended by this amendment.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 9, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sombroek et al., EP 0 631 223 A1. Sombroek at column 5 lines 37-43 describes continuing the shifting of the speed of the cursor. Sombroek describes on column 4 lines 6-9 a joystick used as a user interface tool. At column 4 lines 36-49 describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. The joystick corresponds to the claimed first and second command means because the joystick supplies at least four signals indicative of x, -x, y, and -y movement commands. Note figure 4 and pressure sensitive resistors 402-408. Thus, movement of the user interface, indicative of x, -x, y, and -y, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed

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of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.

Claim 1:

Sombroek teaches a control apparatus having at least a first command means (x or -x of joystick) to increase or decrease a first amount of adjustment and a second command means (y or -y of joystick) to increase or decrease a second amount of adjustment when activated and responsive to the alternate activation of said first and second command means, said control apparatus comprising: means for shifting one of said first and second amounts of adjustment when one of said first command means and said second command means is activated continuously (Sombroek's cursor speed is increased from V1 to V2 to V3 to etc., figure 4, column 6 line 56 to column 8 line 7); means for judging similarity of each action made by said first and second command means (figure 4, column 6 line 56 to column 8 line 7); and means for maintaining said shifting of said second amount equal to said first amount when said first and second command means are alternately activated and said similarity is found by said means for judging similarity (column 5 lines 37-44).

Claim 2:

Sombroek teaches a display apparatus (102) for displaying a second image (cursor 108) together with a first image (main image) on a display screen (102) having a first command means to move said second image horizontally and a second command

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means to move said second image vertically when activated to control a position of said second image (joystick-column 1 lines 41-47, pickup means 302-column 6 lines 28-31), said display apparatus comprising: means for shifting an amount of movement of said second image when one of said first and second command means is activated continuously (Sombroek's cursor speed is increased from V1 to V2 to V3 to etc., figure 4, column 6 line 56 to column 8 line 7); means for judging similarity of each action made by said first and second command means (figure 4, column 6 line 56 to column 8 line 7); and means for maintaining said shifting of said amount of movement when said first and second command means are alternately activated and said similarity is found by said means for judging similarity (column 5 lines 37-44).

Claim 5:

Sombroek teaches the display apparatus according to claim 2, wherein said displayed position of said second image is set outside an effective area of said display screen (an effective area is a very broad description of a display screen location and is met by moving Sombroek's cursor to a portion of the display which the user is not primarily using to view an image). Applicant stated at page 2 last four lines to page 3 line 1 and at page 10 lines 17-21 that by moving the second image to any position on the display screen the drawback of an essential part of the main screen is hidden behind the sub screen can be overcome. Applicant further states on page 10 last line to page 11 line 4 that figure 5B shows the subscreen at a location outside an effective screen area of the display screen. Figure 5B shows the subscreens located at various

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positions with the subscreen at each position covering a portion of the display screen.

Thus, giving this claim a reasonable broadest meaning the movement of Sombroek's cursor to location not primarily used by the user such as the edge of the screen meets this claim.

Claim 9:

Sombroek teaches a control method using at least a first command means to increase or decrease a first amount of adjustment and a second command means to increase or decrease a second amount of adjustment when activated (joystick-column 1 lines 41-47, pickup means 302-column 6 lines 28-31) and responsive to the alternate activation of said first and second command means, said control method comprising the steps of: shifting one of said first and second amounts of adjustment when one of said first and second command means is activated continuously (Sombroek's cursor speed is increased from V1 to V2 to V3 to etc., figure 4, column 6 line 56 to column 8 line 7); judging similarity of each action made by said first and second command means (figure 4, column 6 line 56 to column 8 line 7); and maintaining said shifting of said second amount equal to said first amount when said first and second command means are alternately activated and said similarity is found by said step of judging similarity (column 5 lines 37-44).

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Claim 10:

Sombroek teaches a control method of a display apparatus (102) for displaying a second image (cursor 108) together with a first image (main image) on a display screen (102) having a first command means to move said second image horizontally and a second command means to move said second image vertically when activated to control a position of said second image (joystick-column 1 lines 41-47, pickup means 302-column 6 lines 28-31), said control method comprising the steps of: shifting an amount of movement of said second image when one of said first and second command means is activated continuously (Sombroek's cursor speed is increased from V1 to V2 to V3 to etc., figure 4, column 6 line 56 to column 8 line 7); judging similarity of each action made by said first and second command means (figure 4, column 6 line 56 to column 8 line 7); and maintaining said shifting of said amount of movement when said first and second command means are alternately activated and said similarity is found by said step of judging similarity(column 5 lines 37-44).

Claim 13:

Sombroek teaches the control method of a display apparatus according to claim 10, wherein said displayed position of said second image is set outside an effective area of said display screen (an effective area is a very broad description of a display screen location and is met by moving Sombroek's cursor to a portion of the display which the user is not primarily using to view an image). Applicant stated at page 2 last four lines to page 3 line 1 and at page 10 lines 17-21 that by moving the second image

to any position on the display screen the drawback of an essential part of the main screen is hidden behind the sub screen can be overcome. Applicant further states on page 10 last line to page 11 line 4 that figure 5B shows the subscreen at a location outside an effective screen area of the display screen. Figure 5B shows the subscreens located at various positions with the subscreen at each position covering a portion of the display screen. Thus, giving this claim a reasonable broadest meaning the movement of Sombroek's cursor to location not primarily used by the user such as the edge of the screen meets this claim.

Response to Arguments

4. Applicant's arguments filed 09/28/2001 concerning the Sombroek reference have been fully considered but they are not persuasive. Applicant argues on page 7 lines 13-17 that Sombroek does not maintain a shifting of a second amount equal to the first amount when first and second command means are alternately activated and judged similarly. This argument applies to claims 1 and 9. Sombroek at column 5 lines 36-43 describes continuing the shifting of the speed of the cursor. Sombroek at column 6 line 56 to column 8 line 7 describes keeping or continuing to increase the speed of the cursor even when the cursor moves from one direction to another direction in response to alternately activating pressure sensitive resistors 402-408 (column 7 line 45 to column 8 line 7). Figure 2 of Sombroek shows the increase from V1 to V2 and V2 to V3 to be of the same increment.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

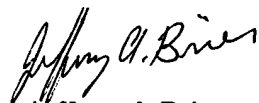
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
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